

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 BRANDON CASUTT,

7 Defendant

Case No.: 2:20-cr-00231-APG-NJK

**Order Granting Government's Motion in
Limine Regarding Admissibility of
Additional Uncharged Loan Applications**

[ECF No. 98]

9 The government moves for a pretrial ruling that it may offer evidence regarding
10 defendant Brandon Casutt's submission of two additional uncharged, allegedly fraudulent loan
11 applications. ECF No. 98. I previously granted the government's prior motion regarding similar
12 loan applications. ECF Nos. 74, 108.

13 These loan application are admissible as direct evidence of Casutt's alleged overall
14 scheme. And they are inextricably intertwined with the acts forming the basis for the indictment.
15 They are also admissible under Federal Rule of Evidence 404(b) because they are offered to
16 show Casutt's intent, plan, and knowledge of how to carry out the scheme; they are not remote in
17 time; there is sufficient evidence that Casutt prepared and submitted these applications; and they
18 are very similar to the charged conduct. Finally, the probative value of the evidence is
19 significant and is not substantially outweighed by its prejudicial effect. Fed. R. Evid. 403. I
20 therefore grant the motion and will allow the government to offer this evidence at trial, provided
21 a sufficient foundation is laid.

22 Dated: May 16, 2022.

23 

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE